

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DALE KNAPINSKI,  
  
Defendant.

CASE NO. CR19-0239-JCC  
  
ORDER

This matter comes before the Court on Defendant Dale Knapinski's unopposed motion to continue trial and the pretrial motions deadline (Dkt. No. 19). On November 13, 2019, Mr. Knapinski was charged by indictment with one count of possession of child pornography. (Dkt. No. 1.) Trial is currently scheduled for November 2, 2020. (Dkt. No. 18.) Mr. Knapinski moves to continue trial to January 25, 2021 based on defense counsel's need for additional time to adequately prepare for trial. (Dkt. No. 19 at 2.) According to Mr. Knapinski, the Government has produced voluminous discovery and Mr. Knapinski has participated in a psychosexual evaluation that was just completed. (*Id.*) Additional time is necessary for defense counsel to review the evidence, consider possible defenses, and gather additional evidence material to the defense. (*Id.*)

Also relevant to Mr. Knapinski's request is the impact that the COVID-19 pandemic has had on the Court's operations over the past six months. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the

1 pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a  
 2 fair cross section of the community, and public health guidance has impacted the ability of  
 3 jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See generally id.*)  
 4 Recently, conditions have improved such that the Court can resume a limited number of in-  
 5 person criminal jury trials. Chief Judge Martinez has concluded that:

6 [F]or the foreseeable future, it will be possible to proceed with only one in-person  
 7 criminal jury trial at a time at each of the district's two courthouses. The order in which  
 8 pending criminal cases will proceed to trial will be determined by the Court in  
 9 consultation with the Federal Public Defender's Office and the United States Attorney's  
 10 Office.

11 W.D. Wash. General Order 15-20 (Oct. 2, 2020) at 2.

12 Accordingly, the Court GRANTS Mr. Knapinski's motion (Dkt. No. 19) in part and  
 13 CONTINUES trial to February 8, 2021. Further, the Court FINDS the ends of justice served by  
 14 continuing trial to this date outweigh Mr. Knapinski's and the public's interests in a speedy trial.  
 15 *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 16 1. Taking into account the exercise of due diligence, a continuance is necessary to allow  
 17 the defense reasonable time for effective preparation. *See* 18 U.S.C.  
 18 § 3161(h)(7)(B)(iv).
- 19 2. The COVID-19 pandemic has rendered the Court unable to obtain an adequate  
 20 spectrum of jurors to represent a fair cross section of the community, which would  
 21 likely make proceeding with an earlier trial impossible or, at a minimum, would result  
 22 in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 23 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and  
 24 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial  
 25 would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

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1 Accordingly, the Court ORDERS:

- 2 1. Trial in this matter is CONTINUED to February 8, 2021 at 9:30 a.m.
- 3 2. The pretrial motions deadline is EXTENDED to January 4, 2021.
- 4 3. All pretrial filings—including trial briefs, motions in limine, proposed voir dire,
- 5 proposed jury instructions, and proposed verdict forms—must be submitted no later
- 6 than Monday, January 25, 2021.
- 7 4. The period from the date of this order until February 8, 2021, is an excludable time
- 8 period under 18 U.S.C. section 3161(h)(7)(A).
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10 DATED this 14th day of October 2020.

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12 John C. Coughenour  
13 UNITED STATES DISTRICT JUDGE  
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